

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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MCINNIS USA, INC. :

Plaintiff, :

-against- : 19-CV-5769 (VEC)

----- : ORDER

MARLY BUILDING SUPPLY CORP., :

Defendant. :

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VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff filed this lawsuit on June 20, 2019, *see* Dkt. 1;

WHEREAS on July 2, 2019, Plaintiff filed affidavits reflecting timely service of a summons and the Complaint on Defendant, *see* Dkts. 7-8;

WHEREAS Defendant failed to appear, answer, or otherwise respond to the Complaint by the July 18, 2019 deadline to do so, *see* Fed. R. Civ. P. 12(a)(1);

WHEREAS on September 5, 2019, the parties informed the Court that they had reached an agreement in principle to settle this case, Dkt. 10;

WHEREAS on December 2, 2019, the parties informed the Court that they were unable to consummate the settlement agreement; Dkt. 20;

WHEREAS an initial pretrial conference is scheduled for December 20, 2019 at 10:00 a.m.

IT IS HEREBY ORDERED:

1. No later than **December 23, 2019**, Plaintiff must apply for a default judgment against Defendant, consistent with the procedures described in Attachment A to the undersigned's Individual Practices in Civil Cases.

2. The initial pretrial conference is adjourned to **January 24, 2020 at 10:00 a.m.**

SO ORDERED.

Date: December 18, 2019
New York, NY



VALERIE CAPRONI
United States District Judge